

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE**

DANIEL WEISKOPF and)	
ELIZABETH WEISKOPF,)	
Plaintiffs,)	
)	
v.)	CAUSE NO.: 4:23-CV-71-JEM
)	
TINY COCOONS, INC., <i>et al.</i> ,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiffs’ Submission of Unredacted Invoices in Compliance with Court Order [DE 105], filed on December 18, 2024. On December 3, 2024, the Court granted Plaintiffs’ Motion for Entry of Default and Final Default Judgment against Defendant Tiny Cocoons, Inc., [DE 100] but took under advisement the issue of the amount of attorneys’ fees to be awarded. Pursuant to the Court’s order, Plaintiffs submitted unredacted invoices on December 18, 2024. The invoices from Plaintiffs’ former counsel, IceMiller, set forth attorneys’ fees and costs of \$17,657.12.

Regarding costs, “costs of the action” are recoverable under Indiana Code § 34-24-3-1 (the statutory provision under which the Court is making the award in favor of Plaintiff), but postage, copy, and process server fees are not included. *Nance v. Miami Sand & Gravel, LLC*, 825 N.E.2d 826, 839 (Ind. Ct. App. 2005) (citing *Johnson v. Naugle*, 557 N.E.2d 1339, 1346 (Ind. Ct. App. 1990)). Only filing fees and statutory witness fees are included as “costs of the action.” *Id.* Therefore, the \$19.35 in FedEx fees, and \$1,537.27 in process server fees will not be awarded. The Court finds the remaining \$16,100.50 to be a reasonable attorney fee for the time spent by IceMiller.

Accordingly, the Court hereby **GRANTS** the relief requested in Plaintiffs' Submission of Unredacted Invoices in Compliance with Court Order [DE 105]. In addition to the \$97,905.00 for actual damages, enhanced damages of \$195,810.00, prejudgment interest at the simple interest rate of 8% through the date of this judgment in the sum of \$10,172.04, and postjudgment interest at the rate of 8% pursuant to Indiana state law from the date of this judgment until paid in damages previously awarded, *see* (Op. & Order, DE 100), the Court **AWARDS** \$16,100.50 in reasonable attorneys' fees in favor of Plaintiffs Daniel Weiskopf and Elizabeth Weiskopf against Tiny Cocoons, Inc.

SO ORDERED on 7th day of January, 2025.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: Plaintiffs Daniel and Elizabeth Weiskopf, *pro se*
Defendants Chris Baer and Yinan Liu, *pro se*
Defendant Tiny Cocoons, Inc.